



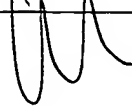
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,702	06/27/2003	Kara L. Kotary	J-3864	7703
28165	7590	11/22/2004	EXAMINER	
S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236			BARNEY, SETH E	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/607,702	Applicant(s) KOTARY ET AL. 	
	Examiner Seth Barney	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) 9,11 and 17-56 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 57-61 is/are allowed.
- 6) ☒ Claim(s) 1-8,10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/27/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because it does not adequately disclose the invention particularly the breaking of the wick to block the leakage of volatile liquid. Correction is required. See MPEP § 608.01(b).

Election/Restrictions

3. Claims 9, 11, and 17-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic

or linking claim. Election was made **without** traverse in the reply filed on November 1, 2004.

Claim Rejections - 35 USC § 102

The statement of intended use carries not patentable weight

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 10, and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,909,845 to Greatbatch.

Regarding claim 1, Greatbatch discloses two embodiments of a wick assembly (204) comprising a wick having an external surface and a discontinuity (58) from in the surface wherein the discontinuity is capable of providing a location in the wick of less resistance to a force applied to the wick than a location adjacent to the discontinuity. See Figures 3A to 4B.

Regarding claim 2, both embodiments of the wick assembly of Greatbatch have an elongate wick. See Figures 3A to 4B..

Regarding claim 3, both embodiments of the wick assembly of Greatbatch have a thickness measured in a direction generally traverse to a length of the wick and are of a lesser dimension than the length. See Figures 3A to 4B.

Regarding claim 4, both embodiments of the wick assembly of Greatbatch the location of less resistance and the adjacent location to the location of less resistance have different cross sectional areas. See Figures 3A to 4B.

Regarding claim 5, the embodiment diagrammed in Figures 3A and 3B of Greatbatch has a location of less resistance with a smaller cross sectional area than the adjacent location.

Regarding claims 6 and 7, in both embodiments the perimeter of a cross section of the wick is a simple geometric shape, which would be a circle. See Figures 3A to 4B.

Regarding claim 8, in both embodiments the discontinuity acts as a junction between two portions of the wick. See Figures 3A to 4B.

Regarding claim 10, in both embodiments the wick assembly operates at room temperature and is for home use. See column 1 lines 14 to 50.

Regarding claim 12, in both embodiments the wick is constructed of high-density polyethylene. See column 8 lines 62 to column 9 line 7.

Regarding claim 13, in both embodiments the wick assembly comprises a retention member (235 and 220) member defining an opening adapted to be received in another opening (35) of a container for holding the volatile liquid in which the opening of the retention member receives a portion of the wick therein. See Figure 3A.

Regarding claim 14, in both embodiments the portion of the wick received in the opening of the retention member forms an interface fit with the retention member. See Figure 3B.

Regarding claim 15, in both embodiments the discontinuity of the wick is positioned proximate to the retention member. See Figure 3B.

Regarding claim 16, in both embodiments the discontinuity is positioned proximate to the other opening of the container. See Figure 3B.

Allowable Subject Matter

6. Claim 57 to 61 allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,619,650 to Chun discloses a bottle and wick assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seth Barney whose telephone number is (571)272-4896. The examiner can normally be reached on 7:30am-5:00pm (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571)272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seth Barney
Examiner
Art Unit 3752

SB



David A. Scherbel
Supervisory Patent Examiner
Group 3700